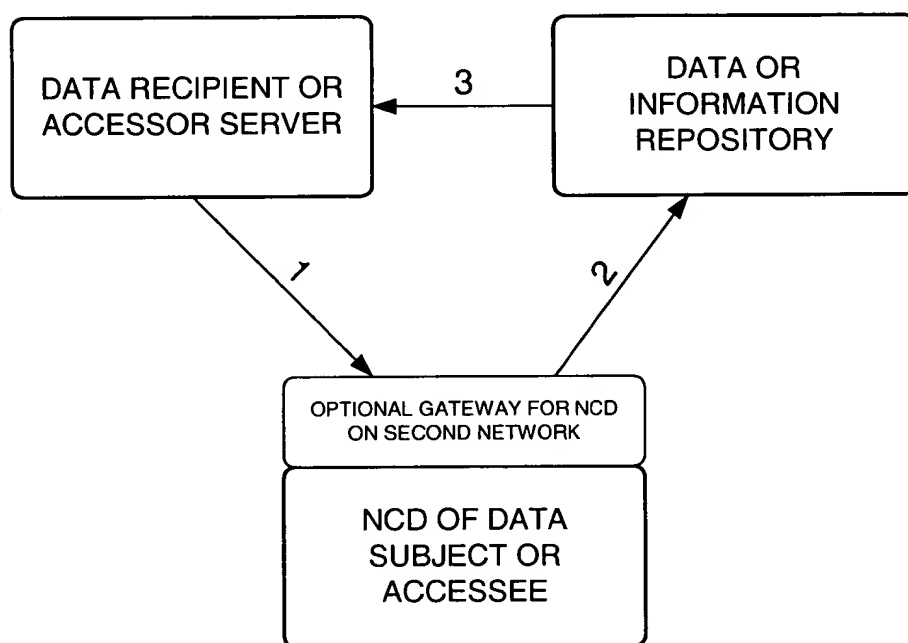


The present invention is drawn to a three-party data transaction scheme that is generally initiated by a data recipient. The three parties include a data subject (or accessee), a data recipient (or accessor), and a data repository (or information) server. Stored data of the data subject is sent by the repository server to the data recipient server in response to a message sent from the data recipient server to the network connected device of the data subject (with optional gateway), which then forwards the request to the repository server, as illustrated schematically below:



One advantage of this arrangement is that the personal data or information of the data subject does not need to be stored in the NCD, thereby not using up the limited memory/storage of the NCD (see page 2, lines 4-9). Additionally, the NCD can use existing browser software, whereas any major software upgrades to the system can be accomplished at the servers. Another advantage is that security of the personal data is increased because the data repository is able to take numerous security precautions that are unavailable to a typical NCD, which can easily be stolen or misplaced or accessed without authorization.

Rowney et al. discloses a diametrically different system that the present invention seeks to avoid, wherein a *data subject initiates* and transmits data *stored on their computer* to a merchant computer (See "Secure transmission of data is provided from a customer computer system to a merchant computer system" in the Abstract and wallets 158 stored on consumer desktop 186 in figure 1C). Since consumers store personal data (i.e., wallets 158) on their own computer, Rowney et al. clearly has no need for a data repository server.

Figure 1B of Rowney et al., reproduced below, clearly shows the disparate topography of Rowney et al. as compared to the present invention:



FIG. 1B

With respect to claim 1, the Office Action attempts to read the claim limitations of claim 1 onto the Rowney et al. disclosure, as best as Applicants can determine, in the following manner:

For the claimed "first network" and "second network", the Abstract and customer/merchant of figure 1B are cited; **however**, the Abstract clearly cites to a *single* network, "a public communication system, such as the Internet", and the reference numerals 150 and 170 in the description of figure 1B do not disclose separate networks, but merely refer to a "customer-merchant session 150" using SSL protocol and a "merchant-institution session 170" using, for example, a SET protocol.

For the "at least one data recipient computer..." and "at least one gateway connected to the first network and a second network...", the Office Action cites to the Abstract, element 180 of figure 1C, figure 1C in general, and col. 1, lines 18-67; **however**, the Abstract clearly

discloses "transmission of data is provided from a customer [*equivalent to data subject?*] computer system to a merchant [*equivalent to data recipient?*] computer system, and for the further secure transmission of data from the merchant [*equivalent to data recipient?*] computer system to a payment gateway [*no equivalent, despite similar name*] computer system" over a *single* network; figure 1C is not described *at all* in the specification of Rowney et al.; figure 1C discloses *all parties* as connected to a single network in the form of the Web (consumer desktop 186 with connections to 3 Web sites, 180, 182, and 184); since Rowney et al. fails to disclose two networks, it is unclear what disclosed element of Rowney et al. could possibly be considered to anticipate the claimed gateway; and col. 1, lines 18-67 describe *prior art* instead of Rowney et al.'s invention such that it is unclear how any of this disclosure would or could be combined with the other teachings of Rowney et al.

For the "at least one data subject network communication device (NCD)...", the Office Action cites the Internet; **however**, Applicants' specification has clearly defined a "data subject" as a *person* that wants to send personal data (see page 1, line 22) and disclosed network communication devices as *wireless phones, PDAs, set-top boxes*, etc. (see page 2, lines 2-13, etc.) such that it is unclear how the Internet or any other disclosed element in Rowney et al. could possibly anticipate this element.

For the "software for accessing and communicating over the second network to the gateway and to send and receive information over the first network" associated with the NCD, the Office Action cites Rowney et al.'s discussion of prior art (col. 1, lines 18-67) and Rowney et al.'s discussion of object oriented programming (col. 4, lines 21-67); **however**, it is unclear how these diverse disclosures in Rowney et al. could possibly anticipate the claimed NCD software limitations.

For the "at least one data repository...", the Office Action cites to Rowney et al.'s figure 1B and discussion of: object oriented programming (col. 4, lines 32-45), application

frameworks coding "i.e., to create or manipulate a proprietary data structure" (col. 7, lines 61-67 and col. 8, lines 1-3); **however**, Applicants have not claimed "a data structure", but rather a data repository (in which a data structure could be stored) that is "connected to the at least one gateway computer and to the at least one data recipient computer via the first network, wherein the at least one data repository further comprises data repository software, and wherein the client software further comprises instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network, and the NCD software and the data repository software further comprises instructions for gathering information to complete a transaction", of which not a single element is disclosed in Rowney et al.

For at least these reasons, Applicants submit that claim 1, and claims 2-50 that depend therefrom, are allowable over Rowney et al.

Additionally, despite the different claim limitations presented in independent claims 51, 72, 73, and 111, the Office Action improperly treats these claims, and the claims dependent therefrom, together with claim 1.

With respect to claims 51-71, Applicants submit that Rowney et al. fails to teach or fairly suggest at least a "method for *data recipient invoked* electronic transactions over a network" that includes "*invoking client software on the at least one data recipient computer* in response to the data subject's request for a data recipient's offer, and wherein invoking the client software further comprises: *connecting the at least one data subject's NCD to the at least one data repository*" as required by independent claim 51.

With respect to claim 72, Applicants submit that Rowney et al. fails to teach or fairly suggest at least the "system for *data recipient invoked* electronic transaction" with "said data recipient computer being programmed...to cause a data recipient's offer further comprising a transaction number associated with the data recipient offer to be sent to the data subject" or

"said data repository being programmed to receive the transaction number and to gather and send the purchasing information to the data recipient computer to complete the purchasing transaction" as required by claim 72.

With respect to claims 73-110, Applicants submit that Rowney et al. fails to teach or fairly suggest at least a "system for *accessor invoked* software to allow the electronic delivery of information" including "an accessor computer" with "client software" for "connecting the accessee computer to the at least one information server and forward[ing] the accessee's data requests to the at least one information server via the accessee's web browser" as required by independent claim 73.

With respect to claims 111-128, Applicants submit that Rowney et al. fails to teach or fairly suggest at least a "method for *accessor invoked* software to allow the electronic delivery of information over a network" that includes "*invoking client software on the at least one accessor computer* in response to the accessee's request for an accessor's offer, and wherein invoking the client software further comprises: *connecting the at least one accessee computer to the at least one information server*" as required by independent claim 111.

Claim Rejections - 35 USC §103

Claims 3-5 were rejected as being obvious over Rowney et al. However, as discussed above with respect to anticipation, Rowney et al. does not disclose or suggest all the limitations of claim 1 and the Official Notice taken by the Examiner regarding networks fails to remedy the above-mentioned deficiencies of Rowney et al.

Additionally, in order to preserve Applicants' rights, Applicants traverse the Official Notice and hereby requests a citation disclosing said subject matter.

In view of the above arguments, Applicants respectfully submit that claims 3-5 are novel and non-obvious over the cited prior art.

Conclusion

For the reasons cited above, Applicants submit that claims 1-128 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher B. Kilner". The signature is fluid and cursive, with a large initial "C" and a stylized "K".

Christopher B. Kilner
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900

MARK-UP SHEET ILLUSTRATING CHANGES MADE BY AMENDMENT

In the Specification:

On page 17, line 1, "repositories" has been changed to --repositories--.

In the Claims:

111. (Amended) A method for accessor invoked software to allow the electronic delivery of information over a network between at least one accessee having at least one accessee computer (NCD) connected to the network, at least one accessor having at least one accessor computer connected to the network, and at least one information server connected to the network, wherein the method comprises:

requesting a data request from at least one accessor over a network by at least one accessee using a NCD software on at least one accessee NCD;

invoking client software on the at least one accessor computer in response to the accessee's request for [a] an accessor's offer, and wherein invoking the client software further comprises:

connecting the at least one accessee computer to the at least one information server;

invoking the information server software;

forwarding the accessor's offer to the least one information server; and

gathering the purchasing information by the information server to complete a purchasing transaction.

CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: December 13, 2001

I hereby certify that the Response to the Office Action of July 13, 2001 in the patent application of Elliott D. Light and James C. P. Lum for **A METHOD AND APPARATUS FOR DATA RECIPIENT STORAGE AND RETRIEVAL OF DATA USING A NETWORK COMMUNICATION DEVICE**, Serial No. 09/552,088, along with a Petition for Extension of time and a check in the amount of \$400.00 for Petition Fee under 37 CFR 1.17(a)(2); are being deposited with the United States Postal Service for "Express Mail" service under 37 C.F.R. section 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Christopher B. Kilner, Esq.
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900